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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

| | | |
|---|---|-----------------|
| STATE OF TEXAS, <i>et al.</i> |) | |
| |) | |
| |) | |
| Plaintiffs, |) | |
| |) | No. 1:14-cv-254 |
| v. |) | |
| |) | |
| UNITED STATES OF AMERICA, <i>et al.</i> |) | |
| |) | |
| Defendants. |) | |
| |) | |

JOINT MOTION TO STAY MERITS PROCEEDINGS

Pursuant to this Court's October 6, 2016, Order, the parties have met and conferred and have reached agreement on how to proceed in this case. For the reasons stated below, the parties jointly move to stay proceedings on the merits of Plaintiffs' claims, including the obligation to propose a schedule for resolution of the case, until February 20, 2017. The basis for this motion is as follows:

1. This Court previously stayed the merits of this litigation, including the obligation to propose a schedule to resolve the merits of this action, pending Fifth Circuit and Supreme Court proceedings so that the Court and the parties could benefit by knowing the disposition of any appeal. *See* ECF Nos. 164, 200, 271, 320, 364, 422; Minute Entry (Aug. 31, 2016).

2. This case is at a unique juncture in which a preliminary injunction has been fully litigated to the Supreme Court and the case has now returned to this Court. Given the change in Administration, the parties jointly submit that a brief stay of any further litigation in this Court before beginning any further proceedings would serve judicial efficiency and economy so that the parties have a better understanding of how they might choose to move forward. In the

meantime, this Court's preliminary injunction of February 16, 2015, would remain in effect for the duration of any stay.

3. This Court has the authority to issue a stay of proceedings: "[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes of its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936). Accordingly, the parties respectfully submit that further proceedings on the merits of this case, including the submission of a schedule for resolving the merits, should be stayed until February 20, 2017. Because all parties are amenable to a stay of the merits proceedings, moreover, the balance of interests weighs heavily in favor of granting that stay.

Dated: November 18, 2016

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United States Attorney

DANIEL DAVID HU
Assistant United States Attorney
Deputy Chief, Civil Division

Respectfully submitted,

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Attorneys for Intervenors

CERTIFICATE OF CONFERRAL

Undersigned counsel hereby certifies that counsel for Plaintiffs, Angela Colmenero, and counsel for Intervenor, Nina Perales, concurred in the filing of this Joint Motion to Stay Merits Proceedings.

/s/ Adam D. Kirschner
Counsel for Defendants

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that a true and correct copy of the foregoing Joint Motion to Stay Merits Proceedings has been delivered electronically on November 18, 2016, to counsel of record via the District's ECF system.

/s/ Adam D. Kirschner
Counsel for Defendants

**UNITED STATES DISTRICT COURT
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ORDER

Upon consideration of the parties' Joint Motion to Stay Merits Proceedings, and for good cause shown, it is hereby:

ORDERED that the parties' Joint Motion to Stay Merits Proceedings GRANTED; and it is

FURTHER ORDERED that proceedings on the merits of Plaintiffs' claims, including the obligation to propose a schedule for resolving the case, are stayed until February 20, 2017; and it is

FURTHER ORDERED that the parties shall meet and confer and formulate and file with the Court an agreed upon (to the extent possible) schedule for the resolution of the merits of this case no later than February 20, 2017.

Signed on _____, 2016.

The Honorable Andrew S. Hanen
United States District Judge